

Application No. 09/853,197
Amendment under 37 C.F.R. §1.114 dated August 4, 2005
Reply to Final Office Action of May 4, 2005

Docket No. 1202-4714

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

Status of the Claims

Claims 1-17 are pending in this application. Claims 1, 8, 15 and 17 are independent. All of the pending claims stand rejected. Claims 2, 3, 5, 9, 10, 12 and 16 are objected to. By this Amendment, claims 1-3, 5, 7-10, 12 and 14-17 are amended. No new matter has been added by this Amendment.

Objection

CLAIMS

Claims 2, 3, 5, 9, 10, 12 and 16 have been objected to because of informalities in the claims such as lacking antecedent basis.

Claims 2, 3, 5, 9, 10, 12 and 16 have been amended as shown above addressing the Examiner's objections.

Applicant respectfully requests that these objections be withdrawn.

Rejection under 35 U.S.C. §102

Claims 1-6, 8-13 and 17 have been repeatedly rejected under 35 U.S.C. §102(b) as being anticipated by EP650292A1 to Miyawaki et al. ("Miyawaki").

As indicated above, independent claims 1, 8 and 17 have been amended for further clarification. In particular, amended claim 1 recites, *inter alia*, "a control unit that controls a change of reading manners of said image signal from said image sensor for obtaining the focus evaluating value according to the determination of said display designating unit." Support for

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the amendment may be found throughout the original specification including, for example, page 23, line 10 through page 24, line 10. Other amended independent claims (i.e., claims 8 and 17) recite similar features to claim 1 as amended.

Miyawaki discloses an image pickup apparatus having a visual line detecting device for detecting the position of a fixation point of the eye of the operator. In particular, Miyawaki teaches obtaining an autofocus evaluating value from the inputted peak value of high-frequency component of image signal. See, e.g., col. 13, lines 24-42 of Miyawaki.

There is nothing in Miyawaki, however, that teaches controlling a change of reading manners of the image signal as recited in amended claims 1, 8 and 17 as discussed above, i.e., Miyawaki simply fails to show or suggest this aspect of invention as required by the amended independent claims.

Accordingly, each of claims 1, 8 and 17 as amended is believed neither anticipated by nor rendered obvious in view of Miyawaki for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claim 1, 8 and 17 under 35 U.S.C. §102(b) is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 7 and 14-16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Miyawaki.

Independent claim 15 recites similar functional step as described above for claims 1, 8 and 17, e.g., a code of a control step by a control unit that controls a change of reading manners of said image signal from said image sensor for obtaining the focus evaluating value according to the determination of said display designating unit.

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Accordingly, Accordingly, claim 15 is believed neither anticipated by nor rendered obvious in view of Miyawaki for at least the similar reasons as discussed above regarding claims 1, 8 and 17.

Reconsideration and withdrawal of the rejections of claim 15 under 35 U.S.C. §102(a) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

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AUTHORIZATION

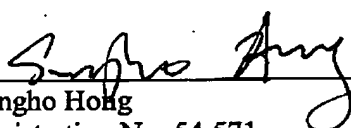
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4714). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: August 4, 2005

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AUTHORIZATION

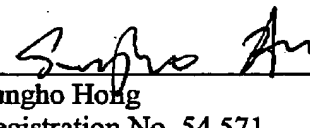
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